

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service as First Class Mail, on the date shown below in an envelope addressed to: MS Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November \_\_\_\_\_, 2007 Signature: \_\_\_\_\_  
(Vicki Neumann)

Docket No.: 27793-00102USPX  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

*O I P E*  
*NOV 23 2007*  
*PATENT & TRADEMARK OFFICE*  
In re Patent Application of:  
Fritz Fuchs

Application No.: 10/549,836

Confirmation No.: 7088

Filed: February 9, 2004

Art Unit: 3748

For: ELECTRICALLY VARIABLE PNEUMATIC  
STRUCTURAL ELEMENT

Examiner: H. M. Nguyen

**RESPONSE TO NOTICE TO FILE CORRECTED APPLICATIONS PAPERS**

MS Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Corrected Application Papers dated October 1, 2007, Applicant respectfully submits that Replacement Drawings for FIGURES 1A-1B, as requested, cannot be submitted as the above-identified application has already issued as U.S. Patent No. 7,293,412 on November 13, 2007. Copy of U.S. Patent No. 7,293,412 is attached. As such, Applicant respectfully submits that the response to file corrected application papers is moot due to the issuance of the patent.

Dated: November 19, 2007

Respectfully submitted,

By

Shoaib A. Mithani

Registration No.: L0067

WINSTEAD PC

P.O. Box 50784

Dallas, Texas 75201

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Attorneys For Applicant



NOV 23 2007  
U.S. PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

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JF

| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------|-------------|----------------------|---------------------|------------------|
| 10/549,836       | 04/07/2006  | Fritz Fuchs          | 27793-00102USPX     | 7088             |
| 61060            | 7590        | 10/01/2007           | RECEIVED ON         |                  |
| WINSTEAD PC      |             |                      | EXAMINER            |                  |
| P.O. BOX 50784   |             |                      | NGUYEN, HOANG M     |                  |
| DALLAS, TX 75201 |             |                      | ART UNIT            |                  |
|                  |             |                      | 3748                | PAPER NUMBER     |
|                  |             |                      | MAIL DATE           |                  |
|                  |             |                      | 10/01/2007          | DELIVERY MODE    |
|                  |             |                      | PAPER               |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DOCKETED

OCT 08 2007

By: J



UNITED STATES PATENT AND TRADEMARK OFFICE

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[www.uspto.gov](http://www.uspto.gov)

Serial No: 10/549,836  
Applicant: Fuchs  
Filing Date: 04/07/2006  
Date Mailed: 10/02/2007

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

### *Notice of Allowance Mailed*

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to  
"Mail Stop Issue Fee, Commissioner for Patents,  
P.O. Box 1450, Alexandria, VA 22313-1450".*

*Nadine Clark*

Office of Patent Publication  
Phone: 703-308-9250, ext.144



Application No. 549,836

Drawings filed 9/15/05

### IDENTIFICATION OF DRAWING DEFICIENCIES

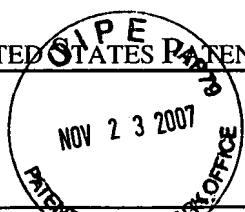
- There are holes punched in the illustration. FIG(s) \_\_\_\_\_
- The character of the lines, numbers and letters are poor/ faded. FIG(s) \_\_\_\_\_
- The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) \_\_\_\_\_
- A date stamp obscures part of the illustration. FIG(s) \_\_\_\_\_
- The drawing is solid black box or marred by black smudges, obliterations, or fax/copier marks. FIG(s) \_\_\_\_\_
- Figure number is duplicated/missing. Drawing sheet is missing. FIG(s). \_\_\_\_\_
- Numbers, letters, or reference characters in the drawing have been crossed out by hand and are illegibly handwritten. FIG(s) \_\_\_\_\_
- The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) \_\_\_\_\_
- The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) \_\_\_\_\_
- Missing data, part of the drawing is cut off, lead line no reference number FIG(s) \_\_\_\_\_
- The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.81(u)(1). FIG(s) \_\_\_\_\_
- The drawing and/or the FIG. label contain(s) foreign language. FIG(s) 1a, 1b
- Color drawings are present in this application but the following CFR 1.84 (a) requirements have not been met\*:
  - Petition filed
  - Petition fee
  - 3 sets of color drawings
  - Color drawing paragraph

\*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS:



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| APPLICATION NO. | ISSUE DATE | PATENT NO. | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|------------|------------|---------------------|------------------|
| 10/549,836      | 11/13/2007 | 7293412    | 27793-00102USPX     | 7088             |

61060 7590 10/24/2007

WINSTEAD PC  
P.O. BOX 50784  
DALLAS, TX 75201

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ISSUE NOTIFICATION

BY WINSTEAD

The projected patent number and issue date are specified above.

**Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)**  
(application filed on or after May 29, 2000)

The Patent Term Adjustment is 0 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571)-272-4200.

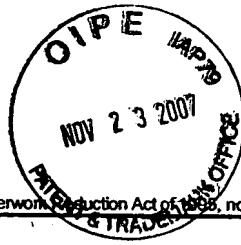
APPLICANT(s) (Please see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

Fritz Fuchs, Uster, SWITZERLAND;

DOCKETED ON

OCT 31 2007

By: [Signature]



PTO/SB/21 (11-07)

Approved for use through 11/30/2007. OMB 0651-0031

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |                      |                        |                 |
|--|----------------------|------------------------|-----------------|
|  | Application Number   | 10/ 549,836            |                 |
|  | Filing Date          | February 9, 2004       |                 |
|  | First Named Inventor | Fritz Fuchs            |                 |
|  | Art Unit             | 3748                   |                 |
|  | Examiner Name        | H. M. Nguyen           |                 |
| Total Number of Pages in This Submission |                      | Attorney Docket Number | 27793-00102USPX |

## ENCLOSURES (Check all that apply)

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form                                      | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> After Allowance Communication to TC  |
| <input type="checkbox"/> Fee Attached  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences   |
| <input type="checkbox"/> Amendment/Reply   | <input type="checkbox"/> Petition   | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)   |
| <input type="checkbox"/> After Final   | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Affidavits/declaration(s)                                 | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Extension of Time Request                                 | <input type="checkbox"/> Terminal Disclaimer  | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Part 2 Copy of Notice<br>Copy of Issue Notification<br>Issued Patent # No. 7,293,412 |
| <input type="checkbox"/> Express Abandonment Request                               | <input type="checkbox"/> Request for Refund   |   |
| <input type="checkbox"/> Information Disclosure Statement                          | <input type="checkbox"/> CD, Number of CD(s) _____                                      |   |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                    | <input type="checkbox"/> Landscape Table on CD  |   |
| <input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application | <b>Remarks</b>  |   |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53          |   |   |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |                   |          |       |
|--------------|-------------------|----------|-------|
| Firm Name    | WINSTEAD PC       |          |       |
| Signature    |                   |          |       |
| Printed name | Shoaib A. Mithani |          |       |
| Date         | November 19, 2007 | Reg. No. | L0067 |

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Dated: November 19, 2007

Signature: (Vicki Neumann)